

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

MOHAMMAD BOZORGI, et al., Individually)	No. 1:24-mc-91041
and on Behalf of All Others Similarly Situated,)	
)	CLASS ACTION
Plaintiff,)	
)	PLAINTIFFS' MOTION TO IMPOUND
vs.)	PURSUANT TO LOCAL RULE 7.2
)	
CASSAVA SCIENCES, INC., et al.,)	
)	
Defendants.)	
)	
)	

Pursuant to Local Rule 7.2 of the Local Rules of the United States District Court for the District of Massachusetts (“Local Rules”), counsel for lead plaintiff Mohammad Bozorgi and additional plaintiffs Ken Calderone and Manohar Rao (collectively, “Plaintiffs”) respectfully submit Plaintiffs’ Motion to Impound Pursuant to Local Rule 7.2 (“Motion to Impound”). In support of this Motion to Impound, Plaintiffs state the following:

1. This litigation is subject to a Confidentiality and Protective Order (ECF 116)¹ (the “Protective Order”), which was entered by the Honorable David Alan Ezra on August 14, 2023 in the United States District Court for the Western District of Texas, where this action is pending.

2. Section 12 of the Protective Order states:

In the event a party wishes to use any Confidential Information or Highly Confidential Information in affidavits, declarations, briefs, memoranda of law, or other papers filed in this litigation, the party shall do one of the following: (1) with the consent of the producing party, file only a redacted copy of the information; (2) where appropriate (*e.g.*, in connection with discovery and evidentiary motions) provide the information solely for in camera review; or (3) file such information under seal with the Court consistent with the sealing requirements of the Court.

ECF 116 at 8.

3. Certain portions of the Plaintiffs’ Objections to Report and Recommendation Denying Plaintiffs’ Motion to Compel the Production of Documents (“Objections”) quote or disclose information that has been previously sealed by the Court (Doc Nos. 19 and 26) and/or designated confidential by Quanterix Corp. (“Quanterix”) (Doc Nos. 4 and 16).

4. Plaintiffs thus seek to impound an unredacted copy of the Objections because Plaintiffs believe that these materials may assist the Court’s consideration of their Objections. The Objections are due to be filed with the Court tomorrow, on May 23, 2024.

¹ Unless otherwise noted, all ECF references are to *In re Cassava Scis., Inc.*, 1:21-cv-00751-DAE (W.D. Tex.).

5. Plaintiffs take no position at this time on the appropriateness of Quanterix's confidentiality designations to the information cited in Plaintiffs' Objections.

6. Plaintiffs therefore respectfully request that the Court allow an unredacted copy of the Objections to be impounded pursuant to Local Rule 7.2 to avoid the potential that certain information previously sealed by the Court and/or designated by Quanterix as "Confidential" would be disclosed in Plaintiffs' publicly filed documents. A redacted copy of the Objections will be filed on the public docket.

7. The impoundment order can be lifted on the earliest of agreement of the parties, further order of the Court, or upon return of the materials to the parties at the close of the case.

8. Pursuant to Local Rule 7.2(c), which requires Court approval before submitting confidential materials under seal, Plaintiffs will promptly submit to the Court an unredacted copy of the Objections should the Court grant this Motion.

WHEREFORE, Plaintiffs respectfully request that the Court grant Plaintiffs' Motion to Impound and the relief requested herein.

DATED: May 22, 2024

ROBBINS GELLER RUDMAN
& DOWD LLP
RACHEL JENSEN (admitted *pro hac vice*)
KEVIN A. LAVELLE (admitted *pro hac vice*)

s/ Kevin A. Lavelle
KEVIN A. LAVELLE

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
rachelj@rgrdlaw.com
klavelle@rgrdlaw.com

Lead Counsel for Lead Plaintiff and Additional
Plaintiff Ken Calderone

GLANCY PRONGAY & MURRAY LLP
CHARLES H. LINEHAN
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: 310/201-9150
310/201-9160 (fax)
clinehan@glancylaw.com

Counsel for Additional Plaintiff Manohar K. Rao

HUTCHINGS BARSAMIAN
MANDELCORN, LLP
THEODORE M. HESS-MAHAN (BBO #557109)
110 Cedar Street, Suite 250
Wellesley Hills, MA 02481
Telephone: 781/431-2231
thess-mahan@hutchingsbarsamian.com

Local Counsel for Lead Plaintiff and Additional
Plaintiff Ken Calderone

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on May 22, 2024, I filed the foregoing document electronically, that the foregoing document will be served electronically to registered CM/ECF participants via the NEF, and that I will send paper copies to non-registered participants as indicated on the NEF.

s/ Kevin A. Lavelle

KEVIN A. LAVELLE

ROBBINS GELLER RUDMAN
& DOWD LLP

655 West Broadway, Suite 1900

San Diego, CA 92101-8498

Telephone: 619/231-1058

619/231-7423 (fax)

Email: klavelle@rgrdlaw.com